

## Office of Family Assistance, ACF, HHS

## § 205.45

Fiscal year	State	National
Average AFDC child support collection rate for preceding 3 years.	14.0%	Not applicable.

*Calculation*

1. State adjusted overpayment rate, paragraph—  
(e)(1)— $8.0 - (3.0 - 2.8) = 7.8\%$
2. Basic disallowance amount, paragraph—  
(e)(2)(i)—\$5,000,000  
(e)(2)(ii)— $7.8 - 6.0 = 1.8\%$   
(e)(2)(iii)— $1.8/6.0 = 0.30$   
Amount =  $\$5,000,000 \times 1.8\% \times 0.30 = \$27,000$
3. Reduction for overpayment recoveries, paragraph—  
(e)(3)(i)—\$5,000  
(e)(3)(ii)— $1.8/7.8 = 0.231$   
Amount =  $\$5,000 \times 0.231 = \$1,155$
4. Reduction for improvement in child support collections, paragraph—  
(e)(4)(i)— $\$27,000 - \$1,155 = \$25,845$   
(e)(4)(ii)(A)— $(16.0 - 12.0)/12.0 = 0.333$   
(e)(4)(ii)(B)— $(16.0 - 14.0)/14.0 = 0.143$   
Since 0.333 is larger than 0.143, then the —  
Amount =  $\$25,845 \times 0.333 = \$8,606$
5. Final disallowance, paragraph—  
(e)(5)— $\$27,000 - (\$1,155 + \$8,606) = \$17,239$

(f) *Disallowance notification and payment schedule.* The Department shall notify the States with overpayment rates about the national standard of their imposed disallowances, with a target date of 60 calendar days after the release of the error rates for the fiscal year.

(1) A State subject to a disallowance shall pay the amount of its disallowance within 45 calendar days after the date of receipt of the notification, or negotiate an agreement with the Department to repay the disallowance with interest in calendar quarterly installments over a period not to exceed 30 months beginning not later than the first calendar quarter after the date of the receipt of the notification.

(2) If a State fails to pay the amount of the imposed disallowance as specified in paragraph (f)(1) of this section, the Department shall reduce the Federal matching funds otherwise payable to the State under the Social Security Act by amounts sufficient to recover the amount of disallowance with interest.

(3) Interest on the unpaid amount of the State's disallowance shall accrue at the overpayment rate pursuant to section 408(i)(3)(A) of the Act beginning 45 calendar days after the date the

State receives notice of the disallowance. If a subsequent appeal by the State is decided in the State's favor, the Department shall repay to the State all payments made, with interest from the date payment is received at the same accrued rate applicable to unpaid disallowances.

(g) *Administrative review of disallowances.* A State may appeal the imposition of the disallowance to the Departmental Appeals Board in writing within 60 calendar days after the receipt of the notification described in paragraph (f) of this section. The Board shall consider the State's appeal in accordance with 45 CFR part 16.

(1) The Board shall not review the decisions on difference cases made by the Panel or the Secretary but shall incorporate them by reference in its disallowance determination.

(2) If the Board does not decide an appeal within 90 calendar days after the date on the State's notice of appeal, interest on the unpaid disallowance amount shall be suspended beginning with the 90th calendar day and ending on the date of the Board's final decision, except to the extent that the Board finds that the State caused or requested the delay.

(h) *Judicial review of disallowances.* A State may appeal a decision by the Department Appeals Board, including a decision incorporated by the Board on a difference case, to the Federal district court within 90 calendar days after the date of the decision by the Board. Court review shall be on the record established in the Departmental Appeals Board review and shall be in accordance with the standards of review prescribed by title 5 U.S.C. 706(2), subparagraphs (A) through (E).

[57 FR 46807, Oct. 13, 1992; 57 FR 52827, Nov. 5, 1992]

**§ 205.44 [Reserved]****§ 205.45 Federal financial participation in relation to State emergency welfare preparedness.**

(a) Under title IV-A, Federal financial participation is available at the rate of 50 percent in expenditures for development and planning activities for emergency welfare preparedness.

Such activities must relate to emergency welfare situations resulting from natural disasters, civil disorders, and enemy caused disasters, as prescribed in “Guidelines for the Preparation of State Emergency Welfare Services Plan” issued by Social and Rehabilitation Service, DHHS publication No. (SRS) 72-23004. These activities include:

- (1) Safekeeping essential documents and records;
- (2) Planning and developing emergency operating capability for providing food, lodging, clothing, and welfare registration and inquiry;
- (3) Assuring that qualified individuals are responsible for the planning and operation of each welfare function essential under emergency conditions for care and services for public assistance recipients and potential recipients;
- (4) Coordinating with other government and voluntary welfare agencies, and welfare-related business and professional organizations and associations, in developing emergency operating plans and attaining operational readiness;
- (5) Preparing and maintaining data on kinds, numbers, and locations of essential welfare resources, including manpower;
- (6) Developing ability to assess emergency welfare resources and determining requirements necessary to care for public assistance cases in the event of disaster or attack;
- (7) Preparing plans for claiming and distributing the above resources;
- (8) Developing mutual aid agreements at State and local levels with neighboring welfare organizations;
- (9) Preparing and distributing written emergency operations plans for public assistance agencies and operating units;
- (10) Participating in preparedness exercises for the purpose of testing plans and determining the role of public assistance programs in relation to the overall preparedness program; and
- (11) Travel incidental to any of the above activities.

(b) Federal financial participation is available at 50 percent under title IV-A for providing training in emergency

welfare preparedness for all staff and for volunteers.

(c) In Guam, Puerto Rico, and the Virgin Islands, Federal financial participation is available at the rate of 75 percent in expenditures for emergency welfare preparedness under titles I, X, XIV, XVI (AABD) of the Social Security Act.

(d) The cost of these activities must be allocated to all programs benefited in accordance with part 74, subtitle A of title 45 of the Code of Federal Regulations.

[41 FR 23387, June 10, 1976, as amended at 51 FR 9203, Mar. 18, 1986]

**§ 205.50 Safeguarding information for the financial assistance programs.**

(a) *State plan requirements.* A State plan for financial assistance under title IV-A of the Social Security Act, must provide that:

(1) Pursuant to State statute which imposes legal sanctions:

(i) The use or disclosure of information concerning applicants and recipients will be limited to purposes directly connected with:

(A) The administration of the plan of the State approved under title IV-A, the plan or program of the State under title IV-B, IV-D, IV-E, or IV-F or under title I, X, XIV, XVI(AABD), XIX, XX, or the Supplemental Security Income (SSI) program established by title XVI. Such purposes include establishing eligibility, determining the amount of assistance, and providing services for applicants and recipients.

(B) Any investigation, prosecution, or criminal or civil proceeding conducted in connection with the administration of any such plans or programs.

(C) The administration of any other Federal or federally assisted program which provides assistance, in cash or in kind, or services, directly to individuals on the basis of need.

(D) The verification to the Employment Security Agency, or other certifying agency that an individual has been an AFDC recipient for at least 90 days or is a WIN or WIN Demonstration participant pursuant to Pub. L. 97-34, the Economic Recovery Tax Act of 1981.